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MAIL STOP - PCT  
Attorney Docket No.: 27414U

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Art Unit: Unknown

BUHR, Wilm

Examiner: Unknown

Application No.: 10/582,498

Filed: June 9, 2006

Intl. Application No.: PCT/EP2004/053544

Intl. Filing Date: December 16, 2004

Title: **TRICYCLIC BENZIMIDAZOLES**

TRANSMITTAL LETTER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith for filing in the U.S. Patent and Trademark Office is the following:

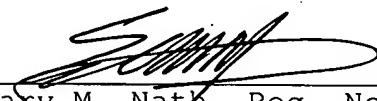
- 1) Information Disclosure Statement;
- 2) PTO Form-1449 with 15 cited references, and copies of 13 of the 15 cited references.

The Commissioner is hereby authorized to charge any deficiency or credit any excess to Deposit Account No. 14-0112.

Respectfully submitted,  
**NATH & ASSOCIATES PLLC**

September 11, 2006

By:

  
Gary M. Nath, Reg. No. 26,965  
Sheldon M. McGee, Reg. No. 50,454  
Customer No. 34375

1e



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INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

An Information Disclosure Statement is submitted herewith pursuant to 37 C.F.R. 1.97-1.98. Please note the following particulars: [NOTE: One only of items a, b, c, and d must be checked.]

a. ☒ [XXX] The enclosed statement is being filed within three months of the filing date of a national application, or within three months of the date of entry into the national stage as set forth in 37 C.F.R. 1.491 in an international application, or before the mailing date of a first Office Action on the merits, whichever event occurs last.

b. ☐ [ ] The enclosed statement is being filed after a first action on the merits but before the mailing date of a final action under 37 C.F.R. 1.113, or a notice of allowance under 37 C.F.R. 1.311.

The enclosed statement is accompanied by [check one]:

- ☐ i. a certification in part (e) below as specified in 37 C.F.R. 1.97(e), or  
☐ ii. a check in the amount required by 37 C.F.R. 1.17(p).

c. ☐ [ ] The enclosed statement is being filed after the mailing date of a final action under 37 C.F.R. 1.113,

or a notice of allowance under 37 C.F.R. 1.311, but before payment of the issue fee.

- ☐ Certification report(e) below; and
- ☐ a check in the amount as required by 1.17(p).

d. ☐ The enclosed statement is being filed pursuant to 37 C.F.R. 1.97(i), for placement in the file.

e. Certification [Check one] [Certification is required only if box (b)(i) or box (c) is checked.]

☐ I hereby certify that each item of information contained in the enclosed Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement,

or

☐ I hereby certify that no item of information in the enclosed Information Disclosure Statement herewith was cited in a communication from a foreign patent office in a counterpart foreign application, or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

or

☐ Appropriate certification is attached.

f. [XXX] If no check is enclosed and a fee is due in connection with this communication or if the check enclosed is insufficient, the Commissioner is authorized to charge any fee or additional fee due in connection with this communication to Deposit Account No. 14-0112.

g. [XXX] Copies of the documents are attached herewith with a completed PTO Form-1449.

[ ] Copies of the documents or are not attached, with a completed PTO Form-1449 as allowed under CFR 1.98(d)(1)(2). The earlier application is identified as:

[XXX] Copies of US Patents/Publications and / or not attached, with a completed PTO Form-1449 as allowed in Official Gazette Aug. 5, 2003/ Vol. 1273, no. 1.


The Examiner is respectfully requested to cite the documents listed on the attached Form PTO-1449 in the next Office Action. In so doing, the Examiner is respectfully requested to initial in the space adjacent to the listing of each document on the Form PTO-1449, and return a copy of the initialed Form PTO-1449 with the next communication to Applicants, to confirm that these documents have been considered by the Examiner and made of record in this application.

If the Examiner has any questions or wishes to discuss this application, kindly telephone the undersigned at the below-listed number.

Respectfully submitted,  
**NATH & ASSOCIATES PLLC**

September 11, 2006

By:

  
Gary M. Nath, Reg. No. 26,965  
Sheldon M. McGee, Reg. No. 50,454  
Customer No. 34375

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**PTO FORM-1449**  
**INFORMATION DISCLOSURE CITATION**

In re Application of:

BUHR, Wilm

Application No:

10/582,498

Art Unit: Unknown

Filed: June 9, 2006

Examiner: Unknown

**U.S. PATENT DOCUMENTS**

Examiner Initial	Document Number	Issue / Publication Date	Inventor	Filed
A1	5,039,806	8/13/1991	Brändström et al.	9/18/1989
A2	5,167,695 (corresponds to DE4003587)	12/1/1992	Brill et al.	5/24/1990

**FOREIGN PATENT DOCUMENTS**

Examiner Initial	Document Number	Publication Date	Country	Translation
A3	40 03 587 A1	8/8/1991	DE	No
A4	0 380 257 A2	8/1/1990	EP	N/A
A5	0 307 078 A1	3/15/1989	EP	N/A
A6	0 266 326 A1	5/4/1988	EP	N/A
A7	2004/087701 A1	10/14/2004	WO	N/A
A8	2004/054984 A1	7/1/2004	WO	N/A
A9	97/47603 A1	12/18/1997	WO	N/A
A10	98/42707 A1	10/1/1998	WO	N/A
A11	02/34749 A1	5/2/2002	WO	N/A
A12	01/72756 A1	10/4/2001	WO	N/A
A13	00/63211 A1	10/26/2000	WO	N/A

**OTHER**

Examiner Initial	(Including Author, Title, Date, Pertinent Pages, etc.)
A14	Kaminski, J.J., et al., "Antiulcer Agents. 5. Inhibition of Gastric H <sup>+</sup> /K <sup>+</sup> -ATPase by Substituted Imidazo[1,2-a]pyridines and Related Analogues and Its Implication in Modeling the High Affinity Potassium Ion Binding Site of the Gastric Proton Pump Enzyme", <u>J. Med. Chem.</u> , Vol. 34, p. 533-541, (1991).
A15	Kaminski, J.J., et al., "Antiulcer Agents. 4. Conformational Considerations and the Antiulcer Activity Substituted Imidazo[1,2-a]pyridines and Related Analogues", <u>J. Med. Chem.</u> , Vol. 32, p. 1686-1700, (1989).

Examiner	Date Considered

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP ' 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.